

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ACTION CAPITAL PROPERTIES, LLLP,
et al.,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. 19-1784L

Hon. Lydia Kay Griggsby

JOINT STIPULATION FOR DISMISSAL

1. Plaintiffs in this case brought a claim under the Tucker Act, 28 U.S.C. § 1491(a), and the Fifth Amendment to the Constitution, seeking just compensation for the alleged taking of their ownership interest in a railroad corridor located Cobb County, Georgia.

2. The Parties have settled all claims in this case, and the United States Department of Treasury Judgment Fund has submitted to Plaintiffs payment in full satisfaction of the settlement amount.

3. Consistent with the parties' settlement agreement, Plaintiffs have agreed to dismiss this case with prejudice pursuant to Court of Federal Claims Rule 41(a)(1)(A)(ii).

4. The parties stipulate that the case *Action Capital Properties, LLLP, et. al., v. United States*, No. 19-1784 should be dismissed with prejudice and respectfully request that this Court enter an Order of final dismissal of the case.

Respectfully submitted, April 28, 2021.

STEWART, WALD & MCCULLEY, L.L.C.

By: s/Michael J. Smith

Michael J. Smith

Steven M. Wald

12747 Olive Boulevard, Suite 280

JEAN E. WILLIAMS

Acting Assistant Attorney General

Environment and Natural Resources Division

By: s/Dustin Weisman (w/ perm by SMW)

Dustin Weisman

St. Louis, MO 63141

(314) 720-0220

(314) 899-2925

wald@swm.legal

smith@swm.legal

Thomas S. Stewart

Elizabeth G. McCulley

2100 Central, Suite 22

Kansas City, MO 64114

(816) 303-1500 (telephone)

(816) 527-8068 (facsimile)

stewart@swm.legal

mcculley@swm.legal

Attorneys for Plaintiffs

Elizabeth McGurk

United States Department of Justice

Environment & Natural Resources Division

P.O. Box 7611

Washington, D.C. 20044-7611

Tel: (202) 305-0247

Fax: (203) 305-0506

Elizabeth.McGurk@usdoj.gov

Dustin.Weisman@usdoj.gov

Attorneys for the United States